

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

CASSANDRA LUXTON,

Plaintiff,

Case No. 15-cv-13758

v

Honorable Thomas L. Ludington  
Magistrate Judge Anthony P. Patti

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION,  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,  
AND AFFIRMING THE DECISION OF THE COMMISSIONER**

Plaintiff Cassandra Luxton filed an application for Disability Insurance Benefits on October 22, 2012, alleging a disability onset date of July 29, 2012. After her claim was initially denied on March 14, 2013, Plaintiff timely requested an administrative hearing, which was held on February 13, 2014. On March 25, 2014 the ALJ issued a written decision finding that Luxton was not disabled under the Social Security Act. On August 26, 2015 the Appeals Council denied Plaintiff's request for review. Plaintiff then appealed to this Court on October 25, 2015. *See* Compl., ECF No. 1.

Plaintiff Luxton filed a motion for summary judgment on February 13, 2016. ECF No. 13. Defendant Commissioner then filed a motion for summary judgment on May 4, 2016. ECF No.17. On October 26, 2016 Magistrate Judge Anthony P. Patti issued a report and recommendation. ECF No. 18. Reviewing the Commissioner's decision under a "substantial evidence" standard, the magistrate judge found that the ALJ's determination that Luxton was not disabled was supported by substantial evidence in the record. *Id.* The magistrate judge therefore

recommended that Plaintiff's motion for summary judgment be denied, Defendant Commissioner's motion for summary judgment be granted, and the Commissioner's decision be affirmed.

Although the magistrate judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 18, is **ADOPTED**.

It is further **ORDERED** that Plaintiff Luxton's motion for summary judgment, ECF No. 13, is **DENIED**.

It is further **ORDERED** that Defendant Commissioner's motion for summary judgment, ECF No. 17, is **GRANTED**.

It is further **ORDERED** that the Commissioner of Social Security's decision is **AFFIRMED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: November 16, 2016

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 16, 2016.

s/Michael A. Sian  
MICHAEL A. SIAN, Case Manager